

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CINTEX WIRELESS, LLC FOR)	
DESIGNATION AS AN ELIGIBLE)	
TELECOMMUNICATIONS CARRIER ON A)	CASE NO.
WIRELESS BASIS FOR THE LIMITED PURPOSE)	2011-00427
OF OFFERING WIRELESS LIFELINE AND LINK-UP)	
SERVICE TO QUALIFYING HOUSEHOLDS)	

O R D E R

On November 18, 2011, the Federal Communications Commission (“FCC”) issued its Connect America Fund and Intercarrier Compensation Order (“FCC Order”).¹ That Order contained provisions addressing the designation of Eligible Telecommunications Carriers (“ETCs”). On December 23, 2011, the FCC issued an order further clarifying ETC requirements.²

¹ See In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011).

² See In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Order on Reconsideration, FCC 11-189 (rel. Dec. 23, 2011).

The FCC's Order modifies the list of services that carriers must provide in order to obtain ETC designation (§ 54.101 (a)). The Order removes customer access to operator services and directory assistance from the required services to be offered by ETCs. Therefore, customer access to operator services and directory assistance services is no longer supported by federal universal service support mechanisms under Section 254(c). The requirements that a carrier must fulfill in order to be granted ETC status are defined in 47 C.F.R. § 54.201(d). Under Section (d), the carrier must provide the supported services by "either using its own facilities or a combination of its own facilities and resale of another carrier's services."

On October 27, 2011, Cintex Wireless, LLC ("Cintex Wireless") filed a petition for designation as an ETC for the limited purpose of offering wireless Lifeline and Link-Up services. In that petition, the only services Cintex Wireless offers over its own facilities are access to operator services and access to directory assistance.³ Each of the other supported services are offered through a resale agreement with Sprint-Nextel.⁴ Applying the FCC Order to Cintex's petition, the Commission finds that ETC designation can no longer be granted to carriers relying solely on one or more of the services that have now been excluded from the list of supported services by the FCC's revision of § 54.101 (a). Cintex Wireless did not state in its petition that it will provide any other services besides access to operator services and directory assistance using a combination of its own facilities and resale of another carrier's services. Therefore, the

³ Petition at page 7.

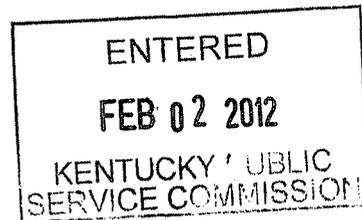
⁴ Id. at 1

Commission finds that the petition as filed by Cintex Wireless fails to meet certain prerequisite conditions for it to be designated as an ETC in Kentucky.

The Commission finds that the petition should be dismissed without prejudice for failure to meet the qualifications of an ETC. If, in the future, Cintex Wireless meets the qualifications necessary to be designated as an ETC, it may submit a new petition.

IT IS HEREBY ORDERED that the petition of Cintex Wireless is dismissed without prejudice for failure to meet the qualifications of an ETC.

By the Commission



ATTEST:

Executive Director

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "M. J. [unclear]".

Honorable Douglas F Brent
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